

REMARKS

The above Amendment is submitted so as to be responsive to the Office Action mailed on May 18, 2005 in the above captioned case, and is believed to clarify the present invention.

The Examiner has objected to claims 1 and 2 because of an informality involving the inconsistent usage of the terms "affixed" and "attached". In response, the undersigned has amended the claims so as to keep the respective verbiage consistent.

The Examiner has rejected claims 1-12 under 35 U.S.C. 102 (b) as allegedly being anticipated by Weinstein US 2004/0140241. Specifically, the Examiner maintains that Weinstein discloses an informational backing portion (130), a portable pill box (130a) attached to the informational backing portion; and a personalized information identifier (134) affixed to the pillbox. In response, it is respectfully pointed out that the "portable pill box" 130a of Weinstein is merely a blister pack, something which is entirely different from a pillbox because among other things, a blisterpack is neither reclosable, nor reusable. In addition to the stark differences between the structure of a pillbox and a disposable blisterpack, it is noted that a blisterpack does not have distinct compartments that may be used for such things as the filling therein of any separate prescription pills that may need to be taken by the patient, other than the given medication as originally filled in the pillbox. As such, it is respectfully asserted that Weinstein does not anticipate the present invention.

The Examiner also maintains that the printed indicia of claim 1, as well as the personalized information identifier of claims 2-5, were deemed not to impose any limitations

in that no new and unobvious functional relationship exists between the printed indicia and the remainder of the kit. The Examiner cites In re Gulack, 703 F.2d 1381, 217 USPQ 401, (Fed. Cir. 1983), and In re Ngai, 70 USPQ2d 1862, (Fed. Cir. 2004) for the proposition that, for there to be a functional relationship between the printed matter and the substrate, the two elements would need to be reciprocally dependent upon each other such that, without each other, they would not be able to produce the desired result. However, the present invention is most similar to the illustration given by the Federal Circuit in the In re Gulack case, in that the functional interrelation between the printed matter and the substrate exists in the present invention because the printed matter on the pillbox is not simply advertising or the like, but rather, is an emergency point of contact that may be used by bystanders and others in the event of incapacitation of the person to whom the pillbox was prescribed.

As can be appreciated, too often an elderly or infirm person may need to carry around important medication, and may become incapacitated for example, because the person forgot to take the medication. In such event, a bystander or rescuer would typically have no immediate recourse to ameliorate the situation at hand because such important contact information (the identity and contact information for the treating physician) would not be on the patient's person. One of the critical advantages of the present invention is that the relevant emergency contact information is automatically provided on a structure that is flat, compact, and ready to carry. As such, the substrate (i.e., the flat, convenient carry pill box) and the printed matter (i.e., the doctor's name and contact information) are functionally interrelated in that the information must be placed on the convenient carry pillbox in order for it to be likely available in the event of an emergency, and correspondingly, the pillbox needs

the emergency contact information affixed to it so that an emergency rescuer can utilize the pillbox, if needed, by contacting the treating doctor, etc. Thus, if either were to be provided independent of each other, than they would not be able to achieve the desired, synergistic result.

In addition, the Examiner has rejected claims 1-12 under 35 U.S.C. 103 (a) as allegedly unpatentable over Lien US 6,758,338 in view of Lapsker US 5,908,209 and Fox US 3,811,563. Specifically, the Examiner maintains that Lien allegedly discloses providing a portable pill box on a package of medicine, that Fox allegedly discloses how portable boxes can be attached to a package, and that Lapsker teaches packages of medicine which include drug samples, and concludes that it would have been obvious to have provided these component teachings to reveal the present invention. In response, it is respectfully pointed out that the respective references are non-analogous, and therefore, inapplicable, over the present invention for a variety reasons.

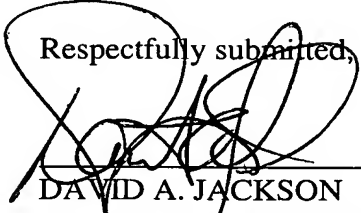
By way of one example, Fox is directed to the provision of a key holder that is to be mounted, and is directed to a compartmented, easy to carry pill box. In addition, the Lien reference does not teach the inclusion of the most important information for the protection of a patient, namely, the name and contact number of the treating physician. Although this may seem like a smaller detail, as referenced above, in the case of those patients who are disoriented, confused, or unconscious, a responder or rescuer would not be able to rapidly find out treatment information, nor, thereafter, would such people be able to contact next of kin easily without this small but vital piece of information so plainly missing in the Lien teachings. Moreover, it is further worth noting that Lien does not teach usage of the pill box

as a vehicle of distributing medication at the physician or pharmacy level, and merely teaches a stand alone pill box without more.

Lastly, it is respectfully asserted that there is simply no motivation to combine Lien, Fox or Lapsker with each other. In addition to the notable lack of text in any these references which would incline one skilled in the art to combine these three teachings, it must be further noted that the Fox reference (directed to mounted key holders) is not even in the same art as that to which Lien (directed to stand alone pill boxes) and Weinstein (directed to the reduction of over the counter procurement errors) are each directed. Moreover, as referenced above, the printed material provided on the present invention has a strong interrelationship with the substrate, and as such, the reiteration of a lack of new and unobvious structure in the present invention is incorrect. Hence, it is respectfully maintained, based on each of the above reasons, that it is improper to combine these references over the present invention.

In conclusion, favorable consideration of the above and withdrawal of each of the outstanding rejections and objections is courteously solicited.

Any additional fees due by the addition of these claims may be charged to Deposit Account No. 11-1153 .

Respectfully submitted,


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